

Rev. 4/18

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
**CIVIL APPEAL STATEMENT**

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 18-14163

Caption:  <b>Advanced Masonry Associates, LLC</b> <b>d/b/a Advanced Masonry Systems,</b> <b>Petitioner,</b>  <b>V.</b>  <b>National Labor Relations Board,</b> <b>Respondent.</b>	District and Division: <u>National Labor Relations Board</u> Name of Judge: <u>—</u> Nature of Suit: <u>Violation of National Labor Relations Act</u> <hr/> Date Complaint Filed: <u>5/30/2018</u> District Court Docket Number: <u>NLRB Case No. 12-CA-221114</u> <hr/> Date Notice of Appeal Filed: <u>Petition for Review filed 10/02/18</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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For Appellant:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input type="checkbox"/> Plaintiff	<b>Gregory A. Hearing</b> <b>Charles J. Thomas</b>	<b>Thompson, Sizemore,</b> <b>Gonzalez &amp; Hearing,</b> <b>P.A.; 201 N. Franklin</b> <b>Street, Ste 1600,</b> <b>Tampa, FL 33602</b>	<b>813-273-0050</b> <b>813-273-0072 (Fax)</b> <b>ghearing@tsghlaw.co</b> <b>m; cthomas</b> <b>@tsghlaw.com</b>
<input type="checkbox"/> Defendant			
<input checked="" type="checkbox"/> Other (Specify)			

For Appellee:	<b>See attachment.</b>
<input type="checkbox"/> Plaintiff	
<input type="checkbox"/> Defendant	
<input checked="" type="checkbox"/> Other (Specify)	

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question	<input type="checkbox"/> Final Judgment, 28 USC 1291	<input type="checkbox"/> Dismissal/Jurisdiction	Amount Sought by Plaintiff: \$ _____
<input type="checkbox"/> Diversity	<input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1)	<input type="checkbox"/> Default Judgment	Amount Sought by Defendant: \$ _____
<input type="checkbox"/> US Plaintiff	<input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b)	<input type="checkbox"/> Summary Judgment	Awarded: \$ _____
<input type="checkbox"/> US Defendant	<input type="checkbox"/> Interlocutory Order, Qualified Immunity	<input type="checkbox"/> Judgment/Bench Trial	to _____
	<input checked="" type="checkbox"/> Final Agency Action (Review)	<input type="checkbox"/> Judgment/Jury Verdict	Injunctions:
	<input type="checkbox"/> 54(b)	<input type="checkbox"/> Judgment/Directed Verdict/NOV	<input type="checkbox"/> TRO
		<input type="checkbox"/> Injunction	<input type="checkbox"/> Preliminary
		<input checked="" type="checkbox"/> Other <u>NLRB Decision, Order, and Direction</u>	<input type="checkbox"/> Permanent
			<input type="checkbox"/> Granted
			<input type="checkbox"/> Denied

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No  
What is the issue you claim is one of First Impression? \_\_\_\_\_
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No  
If Yes, provide  
(a) Case Name/Statute National Labor Relations Act  
(b) Citation 29 U.S.C. §§ 151, et seq.  
(c) Docket Number if unreported \_\_\_\_\_
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that  
(a) Arises from substantially the same case or controversy as this appeal? ☒ Yes ☐ No  
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☒ Yes ☐ No  
If Yes, provide  
(a) Case Name Advanced Masonry Associates, LLC d/b/a Advanced Masonry Systems v. N.L.R.B.  
(b) Citation \_\_\_\_\_  
(c) Docket Number if unreported Case Nos. 18-11931 and 18-12449  
(d) Court or Agency National Labor Relations Board
- (4) Will this appeal involve a conflict of law  
(a) Within the Eleventh Circuit? ☐ Yes ☒ No  
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:

Whether the NLRB's Decision, Order and Direction rejecting Petitioner's determinative ballot challenges, and certifying the results of a union election, is supported by substantial evidence

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 29th DAY OF October, 2018.

GREGORY A. HEARING

NAME OF COUNSEL (Print)

S/ GREGORY A. HEARING

SIGNATURE OF COUNSEL

**ATTACHMENT TO  
CIVIL APPEAL STATEMENT**  
Court of Appeals No. 18-14163

<b>Attorney Name</b>	<b>Mailing Address</b>	<b>Telephone, Fax, Email</b>
Caroline Leonard David Cohen	Regional 12 National Labor Relations Board 201 E. Kennedy Blvd., Suite 530 Tampa, FL 33602	
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